

Country/entity	Somalia
Region	Africa (excl MENA)
Agreement name	Agreement between the Federal Government of Somalia and Jubba Delegation
Date	27 Aug 2013
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Somali Civil War (1991 -)

Originally spurred by centre-peripheral tensions, fighting broke out in 1981 between the regime of President Said Barre and the Somali National Movement, a militia primarily consisting of members from the northern Ishaq clan. Fighting intensified in the late 1980s as more clan-based militias arose. President Barre's regime collapsed in late 1991 and as a result the UN intervened. However persistent attacks on the UN's forces forced a withdrawal in 1994. From the mid- to late 1990s, the character of the conflict shifted as warlords fought for access to rents. Also during this period, two different peace agreements arose; the Soderre Declaration, which was mediated by Ethiopia and supported by IGAD, and the Cairo Accord, which was brokered by Egypt. Fighting, already noticeably lessened compared to the early 1990s, decreased and the more amicable environment paved the way for the Transitional Government to be formed in 2000 (replaced in 2004 by the Transitional Federal Government).

Nonetheless, opposition to the TFG arose in the form of the Islamic Courts Union (ICU), which by early 2006 had taken control of most of southern Somalia until they were ousted by an armed intervention by Ethiopia in December 2006. As a result, the ICU splintered. Hard-line ICU members formed the Takfiri organization, Harakat al-Shabaab al-Mujahideen, and launched a guerrilla campaign against the TFG. Another faction of the ICU fled to Djibouti and formed the Alliance for the Re-liberation of Somalia, which was absorbed into the ruling TFG after successful negotiations in 2007.

To deal with the new round of fighting, the UN-mandated AMISOM force was deployed in 2007. Since then, insecurity has fluctuated between the urban and rural areas as the al-Shabaab's territorial gains waver. Local militia leaders maintain de facto governance over communities. From 2009 to 2012, insecurity spilled over into the Gulf of Aden and the Indian Ocean when Somali pirates seized, looted and ransomed ships. In 2014, 'Operation Indian Ocean' was launched and in parallel with infighting among al-Shabaab, the organisation's position in Somalia has diminished slightly. However, as evidenced by large-scale attacks by al-Shabaab in northern Kenya throughout 2013-2015, the lack of security continues to destabilize the region. Al-Shabaab continues to launch surprise attacks with the aim of forcing out foreign military presence in Somalia. Targets include both military forces and civilians. The devastating attack in October 2017 in Mogadishu saw 587 fatalities and resulted in a renewed military offensive by the Somali government and African Union allies. Since 2017, the U.S. has increased its air strikes targeting al-Shabaab militants, and in December 2018 they announced to re-establish a permanent diplomatic mission in the country. Al-Shabaab has been characterized as a spoiler in the Somali peace process and have therefore been placed outside of any negotiations.

Close

Somali Civil War (1991 -)

Stage Framework/substantive - partial

Conflict nature Government/territory

Peace process	Somalia Peace Process
Parties	Federal Government of Somalia; Jubba Delegation (Juba Interim Administration);
Third parties	IGAD Chair of the Council of Foreign Ministers
Description	Agreement aims to establish an Interim Administration in Juba and defines its mandate and the terms of the relationship between the Federal Government and the Jubba region authorities.

Agreement document	SO_130827_AgreementGovSomaliaJubbaDelegation.pdf (opens in new tab) Download PDF
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Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

Racial/ethnic/national group Groups→Racial/ethnic/national group→Substantive
Page 2, ARTICLE ONE, Establishment of an Interim Administration,
8. The Regional Assembly should be an all inclusive and representative body of all clans and constituencies and selected by the traditional elders with seats been distributed proportionally among the districts of the three regions in full consideration of inclusivity, balance and reconciliatory manner (sic). The rules and regulations governing this Interim Administration shall be consistent with the provisional constitution of the FGS and approved by the Federal Parliament.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.



State definition

Nature of state (general) Page 1, untitled preamble, In full recognition of the supremacy of the Provisional Constitution of the Federal Republic of Somalia; and that the Federal Government of Somalia shall be the sole representative of sovereign Somalia.

In full respect for the Unity, Sovereignty and the Territorial Integrity of the Federal Republic of Somalia;

...respect of the provisional constitution of the Federal Republic of Somalia

State configuration [Summary] Lower and Middle Jubba will attain an interim representative administration and the Gedo administration will remain as is. After two years the designated area will become a Federal State of Somalia. (See power-sharing)

Page 1, untitled preamble, Reiterating the need for all processes particularly the ongoing efforts towards setting up Somali Regional Administrations and stabilization efforts to be anchored with the Principles of Federalism in the Provisional Constitution, the National Stabilization Plan and the Local Government Act.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed)	Governance→Political institutions (new or reformed)→Temporary new institutions Page 2, ARTICLE ONE, Establishment of an Interim Administration, 1. The Federal Government of Somalia and the Jubba delegations have agreed on to an Interim Administration for Jubba, consisting of Gedo, Lower Jubba and Middle Jubba Regions without prejudice to whatever the people of these regions decide finally as a result of constitutional process. This Interim Administration shall be called the Interim Jubba Administration.
Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/religious leaders	Page 2, ARTICLE ONE, Establishment of an Interim Administration, 8. The Regional Assembly should be an all inclusive and representative body of all clans and constituencies and selected by the traditional elders with seats been distributed proportionally among the districts of the three regions in full consideration of inclusivity, balance and reconciliatory manner (sic). The rules and regulations governing this Interim Administration shall be consistent with the provisional constitution of the FGS and approved by the Federal Parliament. Page 2, ARTICLE ONE, Establishment of an Interim Administration, 9. While the local Government Act takes into effect, the Governors of lower Jubba and Middle Jubba Regions shall be appointed by the Leader based on quota basis ensuring the inclusiveness in consultation with local elders and Federal Government of Somalia. The current Gedo administration will region as it is now.
Public administration	No specific mention.
Constitution	Governance→Constitution→Constitutional reform/making Page 2, ARTICLE ONE, Establishment of an Interim Administration, 1. The Federal Government of Somalia and the Jubba delegations have agreed on to an Interim Administration for Jubba, consisting of Gedo, Lower Jubba and Middle Jubba Regions without prejudice to whatever the people of these regions decide finally as a result of constitutional process. This Interim Administration shall be called the Interim Jubba Administration.

Political power sharing

Power sharing→Political power sharing→General
Sub-state level

Page 2, ARTICLE ONE, Establishment of an Interim Administration, 4. The Interim Jubba Administration shall be constituted of an Executive Council and a Regional Assembly.

Page 2, ARTICLE ONE, Establishment of an Interim Administration,

5. The head of the Interim Jubba Administration shall be the Leader of the three regions of lower Jubba, middle Jubba, and Gedo and also the Chairperson of the Executive Council and shall be accountable to the Federal Government of Somalia.

Power sharing→Political power sharing→Executive coalition

Sub-state level

Page 2, ARTICLE ONE, Establishment of an Interim Administration,

6. The Leader shall have three deputies appointed by the leader in consultation with Somali Federal Government and they will also become members of the executive council.

Page 2, ARTICLE ONE, Establishment of an Interim Administration,

7. The Executive Council shall be the executive organ of the Interim Administration and whose members will be appointed by the leader with consultation and coordination with the Federal Government. The Federal Government shall have responsibility to assure inclusivity.

Power sharing→Political power sharing→Proportionality in legislature

Sub-state level

Page 2, ARTICLE ONE, Establishment of an Interim Administration,

8. The Regional Assembly should be an all inclusive and representative body of all clans and constituencies and selected by the traditional elders with seats been distributed proportionally among the districts of the three regions in full consideration of inclusivity, balance and reconciliatory manner (sic). The rules and regulations governing this Interim Administration shall be consistent with the provisional constitution of the FGS and approved by the Federal Parliament.

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 2, ARTICLE ONE, Establishment of an Interim Administration, 1. The Federal Government of Somalia and the Jubba delegations have agreed on to an Interim Administration for Jubba, consisting of Gedo, Lower Jubba and Middle Jubba Regions without prejudice to whatever the people of these regions decide finally as a result of constitutional process. This Interim Administration shall be called the Interim Jubba Administration.

2. The duration of the Interim Administration shall be a period of not more than 2 years, during which - and subject to the constitutional process - a permanent Federal Member State will be established.

3. Through a consultative process, the parties of this agreement shall work together in completing the remaining part of the administration without prejudice to the provisional federal constitution of Somalia.

...5. The head of the Interim Jubba Administration shall be the Leader of the three regions of lower Jubba, middle Jubba, and Gedo and also the Chairperson of the Executive Council and shall be accountable to the Federal Government of Somalia.

Page 2, ARTICLE ONE, Establishment of an Interim Administration,

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Page 2, ARTICLE ONE, Establishment of an Interim Administration,

9. While the local Government Act takes into effect, the Governors of lower Jubba and Middle Jubba Regions shall be appointed by the Leader based on quota basis ensuring the inclusiveness in consultation with local elders and Federal Government of Somalia. The current Gedo administration will region as it is now.

Economic power sharing

Power sharing→Economic power sharing→Sharing of resources

Page 3, ARTICLE TWO, On the Management of Federal Institutions and Infrastructure, 10. The Federal Institutions and infrastructure, including Kismayo Airport and the Kismayo Seaport and other institutions shall be recognized as the assets and commonwealth of the people of Somalia.

Power sharing→Economic power sharing→Fiscal federalism

Page 3, ARTICLE TWO, On the Management of Federal Institutions and Infrastructure, 11. The Kismayo Airport and Kismayo Seaport shall be utilized in a manner than is beneficial to the peace and prosperity of the people of Somalia under the leadership and management of the Federal Government of Somalia.

Page 3, ARTICLE TWO, On the Management of Federal Institutions and Infrastructure, 12. The Kismayo Sea Port and Air Port Management shall be handed-over to the Federal Government of Somalia (FGS) in 6 months period; after which the Federal Government of Somalia shall appoint a competent management team in consultation with the interim Jubba Administration meanwhile the current management of port prevails for the next 6 months. The Federal Government of Somalia will appoint immigration officers at all entry points.

Page 3, ARTICLE TWO, On the Management of Federal Institutions and Infrastructure, 13. The revenues and other resources generated and accruing from the Kismayo Airport and Kismayo Seaport shall be managed in a prudent, transparent and accountable manner.

Page 3, ARTICLE TWO, On the Management of Federal Institutions and Infrastructure, 14. The revenue and other resources generated and accruing from the Kismayo Airport and Seaport shall be exclusively utilized, invested and disbursed on the priorities of security, service delivery and institutional-building of the Jubbas (sic).

Page 3, ARTICLE TWO, On the Management of Federal Institutions and Infrastructure, 15. This interim arrangement shall continue until there is a final agreement on revenue sharing in the country as per the constitutional process.

Military power sharing	<p>Power sharing→Military power sharing→Merger of forces</p> <p>Page 3, ARTICLE THREE, On the Management of Security Forces and Militias Integration, 18. Integration of the militias in to the Somali National Army will also be Implemented within the recommended specific timeline by a Technical Committee comprising the FGS, and the Interim Jubba Administration, In close coordlnatioR with AMISOM.</p> <p>19. The Federal Government of Somalia (JiGS) shall, under the planned reintegration program, give priority to the Jubba Administration so that oombatants, particularly lower level Alshabab fighters in the regions can disengage from combat and return to cMlian life In their home communities.</p> <p>Power sharing→Military power sharing→Joint command structures</p> <p>Page 3, ARTICLE THREE, On the Management of Security Forces and Militias Integration, 16. That all security elements including, RasKamboni Brigade (RBK), the Darwish and any other militias shall be integrated into the central command of the Somalia National Army; and the regional police will be under the command of the Interim Juba Administration.</p> <p>Page 3, ARTICLE THREE, On the Management of Security Forces and Militias Integration, 17. The Federal Government of Somalia (FGS) and the established interim Jubba Administration shall jointly establish a Technical Security Committee that will agree on modalities and timetable for the integration of all security elements. The Technical Committee will also be responsible to undertake Security Reform.</p>
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Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 1, untitled preamble, Reiterating the need for all processes particularly the ongoing efforts towards setting up Somali Regional Administrations and stabilization efforts to be anchored with the Principles of Federalism in the Provisional Constitution, the National Stabilization Plan and the Local Government Act.

Page 4, ARTICLE FOUR, On Reconciliation and Confidence-Building,
22. During the Mogadishu Reconciliation Conference, modalities of development of the roadmap for the establishment federal member states will be agreed upon.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business Page 3, Article TWO, On the Management of Federal Institutions and Infrastructure,
14. The revenue and other resources generated and accruing from the Kismayo Airport and Seaport shall be exclusively utilized, invested and disbursed on the priorities of security, service delivery and institutional-building of the Jubbas (sic).

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees

Page 3, Article TWO, On the Management of Federal Institutions and Infrastructure, 14. The revenue and other resources generated and accruing from the Kismayo Airport and Seaport shall be exclusively utilized, invested and disbursed on the priorities of security, service delivery and institutional-building of the Jubbas (sic).

Page 3, Article TWO, On the Management of Federal Institutions and Infrastructure, 17. The Federal Government of Somalia (FGS) and the established interim Jubba Administration shall jointly establish a Technical Security Committee that will agree on modalities and timetable for the integration of all security elements. The Technical Committee will also be responsible to undertake Security Reform.

Ceasefire

No specific mention.

Police

Page 3, ARTICLE TWO, On the Management of Federal Institutions and Infrastructure, 12. The Kismayo Sea Port and Air Port Management shall be handed-over to the Federal Government of Somalia (FGS) in 6 months period; after which the Federal Government of Somalia shall appoint a competent management team in consultation with the interim Jubba Administration meanwhile the current management of port prevails for the next 6 months. The Federal Government of Somalia will appoint immigration officers at all entry points.

Page 3, ARTICLE THREE, On the Management of Security Forces and Militias Integration, 16. That all security elements including, RasKamboni Brigade (RBK), the Darwish and any other militias shall be integrated into the central command of the Somalia National Army; and the regional police will be under the command of the Interim Jubba Administration.

Page 3, ARTICLE THREE, On the Management of Security Forces and Militias Integration, 17. The Federal Government of Somalia (FGS) and the established interim Jubba Administration shall jointly establish a Technical Security Committee that will agree on modalities and timetable for the integration of all security elements. The Technical Committee will also be responsible to undertake Security Reform.

Armed forces

No specific mention.

DDR	<p>Security sector→DDR→DDR programmes</p> <p>Page 3, ARTICLE THREE, On the Management of Security Forces and Militias Integration, 16. That all security elements including, RasKamboni Brigade (RBK), the Darwish and any other militias shall be integrated into the central command of the Somalia National Army; and the regional police will be under the command of the Interim Juba Administration.</p> <p>Page 3, ARTICLE THREE, On the Management of Security Forces and Militias Integration, 17. The Federal Government of Somalia (FGS) and the established interim Jubba Administration shall jointly establish a Technical Security Committee that will agree on modalities and timetable for the integration of all security elements. The Technical Committee will also be responsible to undertake Security Reform.</p> <p>Page 4, ... 19. The Federal Government of Somalia (FGS) shall, under the planned reintegration program, give priority to the Jubba Administration so that combatants, particularly lower-level Alshabab fighters in the regions can disengage from combat and return to civilian life in their home communities.</p>
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 1, untitled preamble, Fighting alshabab as the primary focus of the Somali Federal Government: regional and international partners.</p> <p>Page 3, ARTICLE THREE, On the Management of Security Forces and Militias Integration, 16. That all security elements including, RasKamboni Brigade (RBK), the Darwish and any other militias shall be integrated into the central command of the Somalia National Army; and the regional police will be under the command of the Interim Juba Administration.</p> <p>Page 4, ... 18. Integration of the militias in to the Somali National Army will also be implemented within recommended specified timeline by a Technical Committee comprising the FGS, and the Interim Jubba Adminstration, in close coordination with AMISOM.</p> <p>... 19. The Federal Government of Somalia (FGS) shall, under the planned reintegration program, give priority to the Jubba Administration so that combatants, particularly lower-level Alshabab fighters in the regions can disengage from combat and return to civilian life in their home communities.</p>
Withdrawal of foreign forces	No specific mention.
Corruption	<p>Page 3, ARTICLE TWO, On the Management of Federal Institutions and Infrastructure, 13. The revenues and other resources generated and accruing from the Kismayo Airport and Kismayo Seaport shall be managed in a prudent, transparent and accountable manner.</p>
Crime/organised crime	No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation Page 4, ARTICLE FOUR, On Reconciliation and Confidence-Building, 20. The Federal Government of Somalia shall organize and convene, within two weeks a Reconciliation Conference in Mogadishu. A follow-up peace building conference will also be held in Kismayo.

Page 4, ARTICLE FOUR, On Reconciliation and Confidence-Building, 21. Mogadishu Reconciliation Conference will be a consultation mechanism on the process of completing the formation of the interim administration and peace-building.

Page 4, ARTICLE FOUR, On Reconciliation and Confidence-Building, 22. During the Mogadishu Reconciliation Conference, modalities of development of the roadmap for the establishment federal member states will be agreed upon.

Implementation

UN signatory No specific mention.

Other international signatory Intergovernmental Authority on Development (chaired by Ethiopia) (H.E. Dr. Tedros Adhanom Ghebreyesus) signed as guarantor.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source UN Peacemaker - <http://peacemaker.un.org/>; http://peacemaker.un.org/sites/peacemaker.un.org/files/SO_130827_AgreementGovSomaliaJubbaDelegation.pdf
